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ENFORCEMENT CASE SDWA 1431  
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107-9 CIVIL LAW DEPOSITION  
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East Poplar Oil Field  
Enforcement Case

DEPOSITION - DENISE GRA

Region 8  
  
13604

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

CARY G. YOUPEE, et al.,

Plaintiffs,

vs.

MURPHY OIL USA, INC., et al.,

Defendants.

Cause No. CV 98-108-BLG-JDS

Judge Jack D. Shanstrom

MESA PETROLEUM and PIONEER  
NATURAL RESOURCES, USA, INC.,

Defendants/  
Third Party Plaintiffs &  
Cross Plaintiffs,

vs.

AMARCO RESOURCES CORP.  
BESTWAY INC.; WESTDALE  
PETROLEUM INC.; and THE  
PRUDENTIAL GROUP,

Third Party Defendants,

vs.

JOHN DOES 4-50,

Cross-Defendants.

DEPOSITION

OF

DENISE GRAINGER

TIME: Monday, June 11, 2001 at 1:14 p.m.

PLACE: Sherman Motor Inn, 200 East Main, Wolf Point, MT

Joann D. Hesel  
Official Court Reporter  
Fifteenth Judicial District  
Roosevelt County Courthouse  
Wolf Point, Montana 59201  
Ph. (406) 653-6272  
Home: (406) 525-3712

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1. BE IT REMEMBERED: That the oral deposition of DENISE  
2 GRAINGER was taken at 1:14 p.m. on the 11th day of June,  
3 2001 at the Sherman Motor Inn, 200 East Main, Wolf Point,  
4 Montana, with the appearances of counsel hereinbefore  
5 noted, before Joann D. Heser, Official Court Reporter and  
6 Notary Public for the State of Montana.

7 Diane Faye, of Attorney's Video Service of Montana,  
8 present to videotape the proceedings, placed an  
9 introduction onto the videotaped record. The following  
10 proceedings were then had:

11 -----

12 Whereupon,

13 DENISE GRAINGER,

14 called for examination, and being first duly sworn upon her  
15 oath, testified as follows:

16 EXAMINATION BY MR. ROSS:

17 Q Denise, my name is John Ross, and I'm a lawyer for  
18 Pioneer Natural Resources. Is it all right if I call you  
19 Denise for this deposition?

20 A Yes.

21 Q Have you ever had your deposition taken before?

22 A No, I haven't.

23 Q You understand the process is that I'll ask you  
24 questions and you're to answer those as truthfully and as  
25 completely as you can?

26 A Yes.

27 Q And you understand that a record is being made of  
28 this deposition so it'll have a printed question and answer

1. when it's done?

2 A Yes.

3 Q And you understand that that deposition can be  
4 used later at trial to compare with the evidence at trial?

5 A Yes, I do.

6 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION  
7 EXHIBIT 4 FOR IDENTIFICATION PURPOSES.)

8 Q I'll show you what's marked as Plaintiff's Exhibit  
9 No. 4. Have you seen that before?

10 A Yes, I have.

11 Q And that's a notice of your deposition and request  
12 to bring documents, is it not?

13 A Yes.

14 Q Did you bring any documents with you today?

15 A No, I did not.

16 Q Do you have any documents that relate to matters  
17 in this lawsuit?

18 MR. DOLAN: Can we stop a second. Let's go off the record  
19 a second.

20 (THE DEPOSITION IS INTERRUPTED AT 1:17 P.M. AND RESUMED AT  
21 1:19 P.M.)

22 Q (By Mr. Ross) During the break, you indicated  
23 there may be one other document that you have not yet  
24 produced. Could you describe what that document is?

25 A (By Deponent) It was a letter or report written  
26 to the Tribal Health Director, I believe. I can't really  
27 remember right off hand, but it was done by Ken Hull, who  
28 is our sanitarian for Indian Health Services -- and he used

1' to be my former boss, too. And, um, it had to do with the  
2 benzene being found in some of the water samples, because  
3 he discussed that with me, you know, about the benzene  
4 being found in some of the houses, some of the water  
5 samples, and just told me, if I was you I wouldn't be  
6 drinking that water or, ah -- or bathing in it or bathing  
7 your kids or -- I mean, really talked bad about it. And he  
8 did give me a letter that he wrote to the Tribal Health  
9 director. I'm pretty sure it was to the Tribal Health  
10 director. But they did some sampling.

11 Q And will you produce a copy of that letter for us?

12 A Yes, I'll look for it tonight.

13 Q When was that letter prepared? Do you remember?

14 A I can't remember exactly.

15 Q Do you remember the year?

16 A This was just like a year or two ago.

17 Q Do you remember, did it relate to your water or  
18 other persons' water?

19 A He didn't say specifically whose it was. That's  
20 all he said was that they were asked to do samples on the  
21 household -- households. I don't know who asked them or  
22 anything.

23 Q Are you aware of benzene in any of your water?

24 A I'm not aware of it.

25 Q Are you aware of benzene in any other particular  
26 well?

27 A According to him, there is.

28 Q Do you remember which well that was?



1 A No, I don't. He just said it was found in some of  
2 them or a couple of them.

3 Q Do you know if those were wells that were actually  
4 being used by anyone?

5 A No, I don't.

6 Q Let me ask you first a few background questions.  
7 When and where were you born?

8 A In Poplar, Montana.

9 Q In what year?

10 A 1966.

11 Q And are you an enrolled member of the Tribe?

12 A Yes, I am.

13 Q And have you lived in this area since 1966?

14 A Yes, I have.

15 Q What's your educational background?

16 A High school and some college, community college  
17 here. I didn't obtain a degree but I have taken college  
18 courses.

19 Q What's the area of study in your college courses?

20 A Administrative.

21 Q What's your occupational background?

22 A Administrative assistant.

23 Q For whom?

24 A Currently for the Indian Health Services in the  
25 Mental Health department.

26 Q Are you married?

27 A No, I'm divorced.

28 Q Did you have children?

1' A Yes.

2 Q Do they live with you?

3 A Yes, they do.

4 Q How many children do you have?

5 A Three.

6 Q And what are their ages?

7 A 16, 9 and 4.

8 Q I'll show you what's been marked as Plaintiff's  
9 Exhibit No. 1, and ask if you would identify for us where  
10 you live? This is Exhibit 1 right here. Would you take  
11 this pen and just write your name by the well that you use  
12 as shown on Exhibit 1?

13 A (Deponent confers with her attorney and indicates  
14 on map as requested.)

15 Q Thank you. How long have you lived in that  
16 location shown on Exhibit 1 near well 36?

17 A Since 1983.

18 Q And what's the nature of your property there? How  
19 much property do you have, what sort of interest in that  
20 property do you have?

21 A It originally belonged to my grandmother, who  
22 willed it to her two sons, my father and his brother -- I  
23 guess it was before her death, actually. She gift deeded  
24 it. And when my father died five years ago, then my mother  
25 got his half; and then my uncle still owns the other half.

26 Q So what again is your interest in it?

27 A I've just got a homesite lease on it.

28 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION

1 EXHIBIT 5 FOR IDENTIFICATION PURPOSES.)

2 Q (By Mr. Ross) I'll show you what's been marked as  
3 Plaintiff's Exhibit 5 and ask if you can identify that for  
4 us?

5 A (By Deponent) Okay, yeah, that's the lease for my  
6 home -- for my homesite by the Fort Peck Housing Authority.

7 Q And from whom do you lease?

8 A Fort Peck Housing Authority leases two and a half  
9 acres for my homesite through Fort Peck Housing Authority  
10 and my uncle and my mother.

11 Q And you said you've been there since nineteen  
12 eighty -----

13 A Three.

14 Q Eighty-three.

15 A I originally moved out there with my parents when  
16 I was in high school.

17 Q Was the well -- is it M38 -- have I got the right  
18 well?

19 A Mine is M36.

20 Q M36. Was M36 there when you moved there in 1983?

21 A No, it was not.

22 Q When you moved there in 1983, what was the source  
23 of your water?

24 A In '83?

25 Q Unhunh.

26 A It would have been with my mother and father's,  
27 Trivian Grainger's M38.

28 Q And when did you have drilled M36?

1. A Yes, the Housing Authority did that when they  
2 built my home for me.

3 Q And what year was that?

4 A 1989.

5 Q So you used M38 from 1983 to '89?

6 A Yes.

7 Q And how was the water in M39 during that time  
8 period of '83 to '89?

9 MR. MURPHY: You said M39. Is that what you meant?

10 Q (By Mr. Ross) Did you use -- which well did you  
11 use between '83 and '89?

12 A (By Deponent) M38.

13 Q Okay, M38. How was the water in M38 between '83  
14 and '89?

15 A Rusty, sort of a bad smell, but it was okay --  
16 seemed to be.

17 Q Did you ever have it sampled?

18 A No.

19 Q Did not have?

20 A No.

21 Q What did you use the water for from M38?

22 A Everything, bathing, drinking, watering our  
23 horses, everything.

24 Q Any particular problems with it?

25 A Not that I remember.

26 Q And why did you decide to drill M36 in 1989?

27 A Oh, by then I was out of school and married, and  
28 that's when I had my own home built, so that was M36.

1. Q How far apart -- approximately how far apart are  
2 M36 and M38?

3 A Oh, geez, I'm not really good with measuring at  
4 all. Not very far, maybe the length of a football field.

5 Q Okay, that's always a good measuring stick. How's  
6 the water from M38?

7 MR. DOLAN: Do you mean M36?

8 Q (By Mr. Ross) M36.

9 A (By Deponent) We haven't been able to really use  
10 it for very many things for approximately, oh, couple  
11 years, anyway. Ever since we got our report back, our USGS  
12 report, we haven't used it for consumption; but prior to  
13 that, we did use it. And, um, to some extent, we didn't  
14 really use it for everything; but because of the smell --  
15 it has a really awful smell -- the color, it's so murky and  
16 rusty.

17 Q So you're saying the problems are one of color and  
18 smell, is that -- are those the major problems with the  
19 water from M36 in your view?

20 A Not right now, but, yeah, to begin with. After,  
21 we seen the water tests -- water testing where there had  
22 been contamination.

23 Q When did you have it tested -- the test you're  
24 talking about?

25 A USGS when they did all the testing, and we got our  
26 reports back.

27 Q Do you remember what year that was?

28 A I don't know, a couple years ago, '97, '98.

1. 1998.

2 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION  
3 EXHIBIT 6 FOR IDENTIFICATION PURPOSES.)

4 Q (By Mr. Ross) I'll show you what's been marked as  
5 Exhibit 6 and ask if you can identify that for us.

6 A (By Deponent) It says well log report.

7 Q Do you know which well that relates to?

8 A Mine apparently. It has my name on it as well  
9 owner.

10 Q So that would be M -----

11 A Thirty-six.

12 Q M36. Do you know how deep your well is?

13 A No, I don't.

14 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION  
15 EXHIBIT 7 FOR IDENTIFICATION PURPOSES.)

16 Q (By Mr. Ross) I'll show you what's been marked as  
17 Exhibit 7. Can you identify that for us?

18 A (By Deponent) Apparently, it's a water analysis  
19 taken by the Indian Health Services.

20 Q Does that relate to your well, do you know?

21 A It must, it has my name on it.

22 Q And that was taken in 1989, is that correct?

23 A Correct.

24 Q And that would have been shortly after that well  
25 was drilled?

26 A Right.

27 (AT THIS TIME, THE COURT REPORTER MARKED DEPOSITION EXHIBIT  
28 8 FOR IDENTIFICATION PURPOSES.)

1 Q (By Mr. Ross) I'll show you what's been marked as  
2 Exhibit 8. Can you identify that for us?

3 A (By Deponent) It says water analysis -- water  
4 samples, USGS.

5 (AT THIS TIME, THE COURT REPORTER MARKED DEPOSITION EXHIBIT  
6 9 FOR IDENTIFICATION PURPOSES.)

7 Q (By Mr. Ross) And then I'll show you Exhibit 9,  
8 which is a four page document. Do you recall receiving  
9 that letter and the attached documents?

10 A (By Deponent) Yes, I do.

11 Q And what is Exhibit 9?

12 A It's our letter from USGS explaining the results  
13 of the analysis -- water analysis.

14 Q And what's your understanding of what these 1998  
15 results indicate about your well water?

16 A Excuse me.

17 Q What's your understanding of what these 1998  
18 results indicate about your well water? Do you have some  
19 understanding about what these results show?

20 A No, I did take them and had someone interpret them  
21 a little to me.

22 Q And who was that that you had interpret them?

23 A Oh, he worked for the Indian Health Services at  
24 the time.

25 Q Do you recall his name?

26 A No, I don't.

27 Q What's your understanding of what those results  
28 show? What's your understanding of what his interpretation

1. was?

2. A Which year was that?

3. Q Ah, 1998.

4. A For the '89?

5. Q 1998.

6. A Oh, for the 1998. Just that the water had been --  
7. was contaminated and he just said he wouldn't recommend --  
8. recommend using it for consumption.

9. Q When you say contaminated, what specifically is  
10. the nature of the contamination as you understand it?

11. A I really don't know.

12. Q Do you use the water now from this well? From, I  
13. guess it's M38 that you're on. Do you use that water at  
14. all?

15. A M36?

16. Q M36.

17. A For taking showers.

18. Q Do you use it for anything else?

19. A Doing dishes.

20. Q Anything else?

21. A No.

22. Q Do you notice any problems with the water that you  
23. use now in taking showers with it and doing dishes?

24. A Problems like? besides the smell and the way it  
25. looks or?

26. Q Yeah.

27. A The bad smell and the way -- the bad -- the way it  
28. looks, murky, or?



1 Q Yeah. You said it smells and the color's not  
2 good. That's what I understand. Is that correct?

3 A Yes. That's correct. When we do fill up anything  
4 outside, like we do have two horses back at home, and when  
5 we fill up the tank, there's an actual film on top of the  
6 water that looks like when you pour oil in water, that film  
7 you get on top. We have that from that water.

8 Q So your testimony is that there's actually a film  
9 on the water that comes out of that well?

10 A Yes.

11 Q Have you considered any other alternative source  
12 of water or do you have any other alternative sources of  
13 water?

14 A Just our drinking water, the bottled water. We  
15 use that for drinking and cooking. Prior to that, we used  
16 to haul water from town from my aunt's place for drinking  
17 and cooking.

18 Q Do you know whether your well's ever been sampled  
19 for any hydrocarbon contamination?

20 A I don't know.

21 Q Do you or your family -- have you ever had any  
22 interest in oil field development? Have you had any  
23 working interest in an oil well or ever received any  
24 royalties, anything like that?

25 A Yes, I do.

26 Q For which well or wells?

27 A I don't know right off hand.

28 Q Do you know from whom you receive those?

1' A Through my grandfather, Roscoe White Eagle. When  
2 he passed away he left me some land that does produce oil.

3 Q Where is that located?

4 A That's up in the Lustre fields. Lustre oil fields  
5 -- which is, I guess, northwest of Wolf Point here.

6 Q Any oil interests in the East Poplar oil field?

7 A No.

8 Q Do you have any familiarity with the oil  
9 development in the East Poplar oil field?

10 A No, I don't.

11 Q Are you familiar with the location of any of the  
12 wells, oil wells, that may have existed near your property?

13 A No, not really.

14 Q Do you have any idea where the alleged  
15 contamination you talked about comes from?

16 A No, I don't. I know where there are some oil  
17 wells, but I don't know what's contaminating what or.

18 Q So you don't have any idea which well may be  
19 causing the problems for you?

20 A No.

21 Q Do you claim any damages as a result of the  
22 alleged contamination in your well?

23 A Damages as far as?

24 Q Either as to damages to your property or personal  
25 damages, health damages, just any type of damages?

26 A Yes, property.

27 Q And what sort of property damages do you claim?

28 A Mostly in-home.

1 Q And can you be more specific as to what those  
2 damages are?

3 A Well, like faucets and everything else that it  
4 eats away; pipes; um, we've had to have well pumps  
5 replaced, which is costly; hot water heater; just things  
6 like that.

7 Q How often have you had to replace faucets?

8 A Every couple years.

9 Q And what's the nature of the damage to the  
10 faucets? Why do you have to replace them?

11 A They're -- they corrode.

12 Q Anybody ever tell you why that is, why they  
13 corrode?

14 A No.

15 Q How often do you have to replace hot water  
16 heaters?

17 A Since we've been there, twice. And same with our  
18 pumps, too.

19 Q Again, you've been on -- when you say since we've  
20 been there, you're referring -----

21 A 1989.

22 Q 1989?

23 A Unhunh. (Indicates yes.)

24 Q Any other type of damages as a result of -----

25 A Damages? Um, we've put money into our yard trying  
26 to grow trees and grass and lawn, whatever else, and we  
27 haven't been able to.

28 Q Do you use the water from your well to water trees

1' in your yard?

2 A No. We don't really -- we don't have any trees in  
3 my yard. We've tried to grow them, but they don't grow.

4 Q When you tried to grow them, did you use water  
5 from your well to water them?

6 A Yes.

7 Q And what, did the trees die?

8 A Yes.

9 Q Did they die right away?

10 A Um, I can't really remember. It seems like they  
11 did. They, um -- I mean, they didn't last over the summer  
12 or anything. And we've tried like at least every other  
13 year.

14 Q And it's your testimony that when you water them,  
15 they don't make it even a year?

16 A No.

17 Q When did you first become aware of this  
18 contamination or problem with your water?

19 A Was it 1998 when we got our reports back from  
20 USGS?

21 Q And was that the first time that you perceived  
22 that you had a problem with the water was 1998?

23 A No, we knew there was something wrong with it  
24 because of the smell and because of the taste. When -- we  
25 just quit drinking it and cooking with it.

26 Q And, again, when did you quit using it? what year,  
27 do you recall?

28 A I would say, approximately seven or eight years

1' ago.

2 Q So the early to mid-90's?

3 A Yes.

4 Q Did you talk to anybody about the problems that  
5 you had with your water in the early to mid-90's? Did you  
6 consult anybody about the problem?

7 A No, just the water treatment people to have a  
8 system installed.

9 Q And did you have a system -- treatment system  
10 installed?

11 A Yeah.

12 Q What type of system?

13 A I don't know. It's just, um, the kind where you  
14 use the hard salt pellets to soften your water.

15 Q How much salt was used in the system? Do you  
16 recall how much salt you put into the system on a periodic  
17 basis?

18 A Probably two bags a week.

19 Q And where was the discharge from that soft water  
20 treatment facility discharged, do you know?

21 A In the septic tank, I think.

22 Q Where is the septic tank in relationship to your  
23 well?

24 A My well is on the west side of my home, and the  
25 septic tank is on the east side -- southeast, I guess.

26 Q So when you first noticed the water going bad in  
27 the early to mid 90's, you talked to water treatment people  
28 about trying to make it better, is that right?

1' A Yeah.

2 Q Did you talk to anybody else during that time  
3 period, early to mid-90's about your water problem?

4 A No.

5 Q Have you talked to anybody about your water  
6 problem?

7 A No.

8 Q When did you decide to join in this lawsuit?

9 A I don't know. A year ago. Over a year ago.

10 Q How did you happen to decide to join this lawsuit?

11 A Well, after we got the report from USGS, we had  
12 some concerns and we had discussed it; and when we were  
13 approached to ask if we wanted to join, we did.

14 Q And by whom were you approached?

15 A Um, the Youpee family, Rene.

16 Q Rene ----

17 A Martell.

18 Q --- is Rene Martell. And what did he say when he  
19 approached you? Am I right, he approached you, you didn't  
20 approach him?

21 A Yeah, correct.

22 Q And what did he -----

23 A I can't really recall exactly what he said. We  
24 talked about the reports that we all got back from USGS.  
25 There was some concern, it was -- may have been coming from  
26 the oil fields. Um, and they were thinking about starting  
27 a lawsuit and would we be interested in joining.

28 Q So just to make sure I understand the chronology

1 here, it was after you got back the USGS results that you  
2 talked to Rene Martell?

3 A Correct.

4 Q I'll show you again what I think are the results  
5 that you got back from USGS. Do you have some  
6 understanding of what in those results would indicate the  
7 problem with your water?

8 A This is what I had discussed with Ken Hull, the  
9 Indian Health Services.

10 Q And is there anything in those results that you  
11 got back from USGS that you understand's the particular  
12 problem with your water? In your conversations with  
13 Mr. Hull or Rene or someone else, do you have an  
14 understanding of -----

15 A We were just told it was contaminated is what Ken  
16 Hull said, that your water's contaminated.

17 Q But they didn't point out any specific chemical --  
18 --

19 A No.

20 Q --- or any particular level?

21 A Not that I can remember.

22 Q So other than the odor and the taste and the  
23 color, are there any other specific problems that you're  
24 aware of with your water?

25 A Besides being told it's contaminated? No.

26 Q And, again, the person that told you it was  
27 contaminated was this Mr. Hull?

28 A Yes.

1 Q And what's his position or background?

2 A He's a sanitarian at the Indian Health Services.

3 Q He would be in Poplar?

4 A Yes.

5 Q What's his first name?

6 A Ken.

7 MR. ROSS: Ken. I have no further questions. Thank you.

8 EXAMINATION BY MR. STERUP:

9 Q Denise, my name is Rob Sterup. I represent Samson  
10 Hydrocarbons. The home that you occupy at the present time  
11 is one that you lease, is that correct?

12 A Correct. Lease to own.

13 Q So you anticipate -----

14 A It's a home ownership.

15 Q And you lease it from the Fort Peck Housing  
16 Authority?

17 A Right.

18 Q And you anticipate that when the lease terms have  
19 been fulfilled, you eventually will own the home?

20 A Yes.

21 Q When was that home constructed?

22 A In 1989.

23 Q Was it constructed for you?

24 A Yes.

25 Q At that time, was there any discussion about water  
26 quality issues that you can recall?

27 A No.

28 Q It wasn't a concern to you at all?



1' A No.

2 Q When did you install the water treatment system  
3 that you mentioned?

4 A When?

5 Q Yes.

6 A I can't remember right off hand. Um, probably a  
7 couple years after we lived there.

8 Q Where did you get it from?

9 A Nemont Water Conditioning.

10 Q Where is that located?

11 A Here in Wolf Point.

12 Q How long did you continue to operate that water  
13 treatment system?

14 A I still do.

15 Q Does it help to alleviate the problems at all?

16 A The rust isn't so bad. That's about it.

17 Q Is there any other benefit from the water  
18 treatment system aside from alleviating rust?

19 A No.

20 Q Have you ever spoken with anyone from either Grace  
21 Petroleum or Samson Hydrocarbons that you can recall?

22 A Not that I can recall.

23 MR. STERUP: I have nothing further.

24 EXAMINATION BY MR. FAGAN:

25 Q Denise, my name's Gerry Fagan. I represent  
26 Marathon Oil. Have you ever heard of any wells operated by  
27 Marathon Oil well -- or Oil Company?

28 A I've heard of the oil company.

1' Q Not really aware of any wells?

2 A No.

3 Q How about Texas Oil and Gas?

4 A No.

5 Q And you've never talked to any employees of either  
6 of those companies?

7 A No, I haven't.

8 Q Is it my understanding that the first time you  
9 really were aware of possible contamination is when you  
10 received the USGS report ----

11 A Yes, the contamination.

12 Q --- and talked with Mr. Hull? And you hadn't  
13 really talked to anyone prior to that about water quality  
14 or potential problems?

15 A No.

16 Q Were you aware that the USGS was going to produce  
17 a report?

18 A No. They just showed up one day and asked if they  
19 could take some water samples, so I told them to go ahead  
20 and take them.

21 Q That's the first time you'd heard about it?

22 A Yeah.

23 Q Are there oil wells around your property at all?

24 A Farther north.

25 Q Can you see them from your property?

26 A Not any more. There used to be one we could, but  
27 it's not there anymore.

28 Q It's been removed?

1 A Yeah.

2 Q Were you very aware of oil activity in the Poplar  
3 area at all?

4 A Um, heard of it and seen some wells here and  
5 there, but that's about it.

6 Q Did you ever suspect that any of the oil field  
7 activities might be causing the water problems?

8 A No.

9 Q Never did?

10 A Never thought about it.

11 Q When was the first time you actually thought about  
12 it or did you ever?

13 A When it was -- I don't know. Someone mentioned it  
14 to my mother one time before. I can't really remember who.  
15 You know, have you ever really thought about maybe that's  
16 where your bad water's coming from.

17 Q And you were there for that conversation or you  
18 were?

19 A No, my mom was. She told me.

20 Q When was that?

21 A I don't know, years ago.

22 Q Before you moved onto your -----

23 A No, after I had mine.

24 Q Sometime after -----

25 A Yeah.

26 Q You're talking like early 90's or?

27 A Yeah. Something like that.

28 Q Did you ever talk to anybody then after your mom

1' mentioned that to you?

2 A No.

3 Q Had you ever heard about any previous lawsuits  
4 that anybody had brought against the oil companies?

5 A In our area?

6 Q Unhunh. (Indicates yes.)

7 A No.

8 Q Any other areas?

9 A No, just on TV maybe.

10 Q Okay. Do you think the water quality has  
11 deteriorated since '89?

12 A Yes, it has.

13 Q A lot?

14 A Yes.

15 Q Just gradually or in spurts or?

16 A Yeah, gradually.

17 Q And how so? What's worse about it?

18 A Um, the color, the smell.

19 Q Started out okay and just got worse?

20 A Yeah.

21 Q When you talked with Ken Hull, did he mention  
22 anything about the oil companies possibly -----

23 A No.

24 Q So it sounds like the USGS report came out of the  
25 blue for the most part?

26 A For me, yeah.

27 MR. FAGAN: I have no further questions. Thanks.

28 EXAMINATION BY MR. WEBSTER:

1 Q Denise, my name is Mike Webster and I represent  
2 Murphy Exploration, and I'll just follow-up with a few  
3 questions. You said you have three children and their ages  
4 are 16, 9 and 4, but I didn't know their names. So who's  
5 the 16 year old?

6 A Adam Grainger.

7 Q How about the 9 year old?

8 A Jay Grandchamp.

9 Q And the 4 year old?

10 A Tina Kohl.

11 Q And you said they live with you?

12 A With me.

13 Q The property that you live on is under a lease.  
14 Do you know -- as you understand it, how much longer do you  
15 have before the property would be transferred to you, the  
16 ownership of it?

17 A They told me approximately 25 years, and that was  
18 in 1989.

19 Q Okay.

20 A Twenty to 25 years.

21 Q And you haven't done anything that would have  
22 caused that time period to be extended at all?

23 A No.

24 Q As far as -- are you currently now receiving  
25 bottled water?

26 A Yes.

27 Q And were you receiving -- or were you using  
28 bottled water before then? before you began to receive it

1 from the oil company folk?

2 A For a short time before.

3 Q And you had made those arrangements yourself?

4 A Yes.

5 Q And had paid for that water yourself?

6 A Yes.

7 Q Have you ever had any septic system problems at  
8 your house?

9 A Yes. Um, once.

10 Q Okay. Can you -- do you know when that was?

11 A Not exactly or not the exact date; um, maybe three  
12 years ago -- two or three years ago.

13 Q And what was the nature of that problem?

14 A I'm not really sure.

15 Q Did you need to hire someone to come out and fix  
16 the problem or did you contact someone about the problem?

17 A I contacted Fort Peck Tribes Enterprise  
18 department.

19 Q And is that the people who take care of the Fort  
20 Peck Housing Authority homes?

21 A Yes.

22 Q And did they send someone out then to do  
23 something?

24 A Yes, they did.

25 Q Do you know who that was?

26 A No, I don't.

27 Q Do you know what they did?

28 A No, I don't.

1 Q Whatever they did, did it work?

2 A Yeah.

3 Q The well that is currently out there, the one that  
4 you now use, you said you use it for showering and for  
5 washing dishes and, I assume, for toilets and those things?

6 A Yeah.

7 Q But you don't drink it?

8 A No.

9 Q When was the last time that you drank water from  
10 those wells? or from your well?

11 A Probably '96, '97 -- '96 -- somewhere around  
12 there. I don't know exact.

13 Q If I were to tell you that, in your answers to  
14 interrogatories, you said that you stopped drinking the  
15 water in 1991 or '92, would that surprise you? Is that  
16 possible?

17 A I may have said that. Um, I don't know. I'm not  
18 really good on dates and. . .

19 Q Okay, but it's been some period of years ----

20 A Yes.

21 Q --- since you've drank that water?

22 A Yes, cause we used to haul it from town before  
23 that. So, yeah, I guess it would have been longer than '96  
24 or '95.

25 Q When the USGS was out and they did their on-the-  
26 ground sampling, did you have a chance to talk to any of  
27 those people? to visit with Joanna Thamke?

28 A No.

1 Q Did you visit with any of the other people who  
2 were out there doing the work?

3 A No. I was working at the time, and she just  
4 showed up one evening after work; and then I assumed they  
5 came during the day while I was gone at work.

6 Q Thinking back to when she just came and said we  
7 want to take some water samples from your home, did you ask  
8 her, well, why do you want to do that?

9 A No, I didn't.

10 Q You weren't curious?

11 A Not really. Just figured it was something maybe  
12 through the Housing Authority or something.

13 Q Did she identify herself as with the USGS?

14 A Yes.

15 Q Um, thinking back to the water and the taste of  
16 the water. I know you said it doesn't taste good, but what  
17 -- can you identify what the taste is like?

18 A Kind of salty. Um, I don't know. The smell is  
19 awful.

20 Q Is the smell the same today as it was -----

21 A Smells stronger.

22 Q Stronger?

23 A Unhunh. (Indicates yes.)

24 Q What is it -- does it have a distinct -- an odor  
25 that's like other odors. I mean, is it a sulphury kind of  
26 -----

27 A Like sulphur.

28 Q Like sulphur?



1           A     Kind of like when those oil truckers pass our  
2 house, and they have that smell. That's what it smells  
3 like.

4           Q     Do you have problems with rust stains and those  
5 things in your home?

6           A     Yes.

7           Q     Have you ever talked to any of the employees or  
8 any of the personnel from Murphy about your water?

9           A     No, I haven't.

10          Q     Do you know that they operate in this area? Are  
11 you aware of their presence up there?

12          A     Yeah.

13          Q     You've never worked for them. Do you know anybody  
14 that has ever worked for them?

15          A     No, not personally, no.

16          Q     Um, and I can't recall, so I'm sorry if I -- if  
17 this question's already been asked. Did you ever visit  
18 with anyone from the Indian Health Service about your  
19 water?

20          A     Just, um -- just the names I mentioned. Well, the  
21 one I couldn't remember, the -- and Ken Hull.

22          Q     And that was fairly recent? That wasn't a long  
23 time ago?

24          A     Unhunh. (Deponent indicates yes.)

25          Q     Have you ever talked to Deb Madison about your  
26 water quality?

27          A     No.

28          Q     Have you ever talked to anyone else at the Fort

1' Peck Tribes at all about your water quality?

2 A No.

3 MR. WEBSTER: I don't think I have anything else.

4 EXAMINATION BY MR. DOLAN:

5 Q Denise, I just have one question. What was the  
6 nature of the septic problems, a flushing problem or?

7 A Flushing. I think there was a -- something  
8 plugged it or something.

9 Q With respect to any of the analyses, water  
10 analyses, that you -- I know you don't have much knowledge  
11 or you haven't done much interpretation of them, but has  
12 anyone ever told you you have any fecal coliform problem  
13 with your drinking water?

14 A No.

15 MR. DOLAN: Okay, nothing further.

16 (THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION WAS THEN  
17 CONCLUDED AT 2:10 P.M.)  
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CERTIFICATE

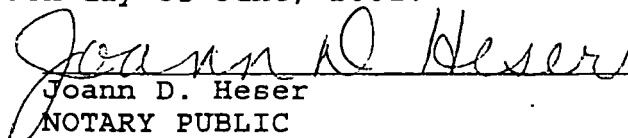
STATE OF MONTANA                   )  
  : ss.  
COUNTY OF ROOSEVELT               )

I, JOANN D. HESER, Official Court Reporter, Fifteenth Judicial District, and a Notary Public duly qualified in and for the State of Montana, hereby certify there came before me the deponent herein, namely DENISE GRAINGER, who was by me duly sworn to testify to the truth and nothing but the truth concerning the matters in this cause.

I further certify that I was the Official Court Reporter who reported, by means of LANIER recorder, this deposition. The testimony therein and other proceedings herein contained are a true and correct transcription of the original tapes and my notes, TO THE BEST OF MY ABILITY.

I further certify that I am not related in any manner to any party, witness, or counsel and have no financial or other interest in the outcome of the above entitled cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 15th day of June, 2001.

  
Joann D. Heser  
NOTARY PUBLIC

My Comm. exp. 7/2/2004

DEPONENT'S CERTIFICATE

I, DENISE GRAINGER, do hereby certify that I have read the foregoing transcript of my testimony and that the same is a full, true and correct record of my deposition except as to any corrections I have listed on the Corrections to Deposition form.

\_\_\_\_\_ Changes and corrections made.

\_\_\_\_\_ No changes or corrections made.

\_\_\_\_\_  
DENISE GRAINGER

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
NOTARY PUBLIC for the State of Montana  
Residing at \_\_\_\_\_, Montana  
My Commission expires \_\_\_\_\_

CORRECTIONS TO DEPOSITION

The Deponent, DENISE GRAINGER, states she wishes to make the following changes in testimony as originally sworn:

[illegible]

**DENISE GRAINGER**

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Minuscrit

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

CARY G. YOUNG, et al.,

Plaintiffs,

vs.

MURPHY OIL USA, INC., et al.,

Defendants.

Cause No. CV 98-108-BLG-JDS

Judge Jack D. Shanstrom

MESA PETROLEUM and PIONEER  
NATURAL RESOURCES, USA, INC.,

Defendants/  
Third Party Plaintiffs &  
Cross Plaintiffs,

vs.

AMARCO RESOURCES CORP.  
BESTWAY INC.; WESTDALE  
PETROLEUM INC.; and THE  
PRUDENTIAL GROUP,

Third Party Defendants,

vs.

JOHN DOES 4-50,

Cross-Defendants.

DEPOSITION

OF

DENISE GRAINGER

TIME: Monday, June 11, 2001 at 1:14 p.m.

PLACE: Sherman Motor Inn, 200 East Main, Wolf Point, MT

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BE IT REMEMBERED: That the oral deposition of DENISE GRAINGER was taken at 1:14 p.m. on the 11th day of June, 2001 at the Sherman Motor Inn, 200 East Main, Wolf Point, Montana, with the appearances of counsel hereinbefore noted, before Joann D. Heser, Official Court Reporter and Notary Public for the State of Montana.

Diane Faye, of Attorney's Video Service of Montana, present to videotape the proceedings, placed an introduction onto the videotaped record. The following proceedings were then had:

Whereupon,

DENISE GRAINGER.

called for examination, and being first duly sworn upon her oath, testified as follows:

EXAMINATION BY MR. ROSS:

Q Denise, my name is John Ross, and I'm a lawyer for Pioneer Natural Resources. Is it all right if I call you Denise for this deposition?

A Yes.

Q Have you ever had your deposition taken before?

A No, I haven't.

Q You understand the process is that I'll ask you questions and you're to answer those as truthfully and as completely as you can?

A Yes.

Q And you understand that a record is being made of this deposition so it'll have a printed question and answer

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Page 7

1 when it's done?  
 2 A Yes.  
 3 Q And you understand that that deposition can be  
 4 used later at trial to compare with the evidence at trial?  
 5 A Yes, I do.  
 6 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION  
 7 EXHIBIT 4 FOR IDENTIFICATION PURPOSES.)  
 8 Q I'll show you what's marked as Plaintiff's Exhibit  
 9 No. 4. Have you seen that before?  
 10 A Yes, I have.  
 11 Q And that's a notice of your deposition and request  
 12 to bring documents, is it not?  
 13 A Yes.  
 14 Q Did you bring any documents with you today?  
 15 A No, I did not.  
 16 Q Do you have any documents that relate to matters  
 17 in this lawsuit?  
 18 MR. DOLAN: Can we stop a second. Let's go off the record  
 19 a second.  
 20 (THE DEPOSITION IS INTERRUPTED AT 1:17 P.M. AND RESUMED AT  
 21 1:19 P.M.)  
 22 Q (By Mr. Ross) During the break, you indicated  
 23 there may be one other document that you have not yet  
 24 produced. Could you describe what that document is?  
 25 A (By Deponent) It was a letter or report written  
 26 to the Tribal Health Director, I believe. I can't really  
 27 remember right off hand, but it was done by Ken Hull, who  
 28 is our sanitarian for Indian Health Services -- and he used

1 A No, I don't. He just said it was found in some of  
 2 them or a couple of them.  
 3 Q Do you know if those were wells that were actually  
 4 being used by anyone?  
 5 A No, I don't.  
 6 Q Let me ask you first a few background questions.  
 7 When and where were you born?  
 8 A In Poplar, Montana.  
 9 Q In what year?  
 10 A 1966.  
 11 Q And are you an enrolled member of the Tribe?  
 12 A Yes, I am.  
 13 Q And have you lived in this area since 1966?  
 14 A Yes, I have.  
 15 Q What's your educational background?  
 16 A High school and some college, community college  
 17 here. I didn't obtain a degree but I have taken college  
 18 courses.  
 19 Q What's the area of study in your college courses?  
 20 A Administrative.  
 21 Q What's your occupational background?  
 22 A Administrative assistant.  
 23 Q For whom?  
 24 A Currently for the Indian Health Services in the  
 25 Mental Health department.  
 26 Q Are you married?  
 27 A No, I'm divorced.  
 28 Q Did you have children?

Page 6

Page 8

1 to be my former boss, too. And, um, it had to do with the  
 2 benzene being found in some of the water samples, because  
 3 he discussed that with me, you know, about the benzene  
 4 being found in some of the houses, some of the water  
 5 samples, and just told me, if I was you I wouldn't be  
 6 drinking that water or, ah -- or bathing in it or bathing  
 7 your kids or -- I mean, really talked bad about it. And he  
 8 did give me a letter that he wrote to the Tribal Health  
 9 director. I'm pretty sure it was to the Tribal Health  
 10 director. But they did some sampling.  
 11 Q And will you produce a copy of that letter for us?  
 12 A Yes, I'll look for it tonight.  
 13 Q When was that letter prepared? Do you remember?  
 14 A I can't remember exactly.  
 15 Q Do you remember the year?  
 16 A This was just like a year or two ago.  
 17 Q Do you remember, did it relate to your water or  
 18 other persons' water?  
 19 A He didn't say specifically whose it was. That's  
 20 all he said was that they were asked to do samples on the  
 21 household -- households. I don't know who asked them or  
 22 anything.  
 23 Q Are you aware of benzene in any of your water?  
 24 A I'm not aware of it.  
 25 Q Are you aware of benzene in any other particular  
 26 well?  
 27 A According to him, there is.  
 28 Q Do you remember which well that was?

1 A Yes.  
 2 Q Do they live with you?  
 3 A Yes, they do.  
 4 Q How many children do you have?  
 5 A Three.  
 6 Q And what are their ages?  
 7 A 16, 9 and 4.  
 8 Q I'll show you what's been marked as Plaintiff's  
 9 Exhibit No. 1, and ask if you would identify for us where  
 10 you live? This is Exhibit 1 right here. Would you take  
 11 this pen and just write your name by the well that you use  
 12 as shown on Exhibit 1?  
 13 A (Deponent confers with her attorney and indicates  
 14 on map as requested.)  
 15 Q Thank you. How long have you lived in that  
 16 location shown on Exhibit 1 near well 36?  
 17 A Since 1983.  
 18 Q And what's the nature of your property there? How  
 19 much property do you have, what sort of interest in that  
 20 property do you have?  
 21 A It originally belonged to my grandmother, who  
 22 willed it to her two sons, my father and his brother -- I  
 23 guess it was before her death, actually. She gift deeded  
 24 it. And when my father died five years ago, then my mother  
 25 got his half; and then my uncle still owns the other half.  
 26 Q So what again is your interest in it?  
 27 A I've just got a homesite lease on it.  
 28 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION



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1 EXHIBIT 5 FOR IDENTIFICATION PURPOSES.)  
2 Q (By Mr. Ross) I'll show you what's been marked as  
3 Plaintiff's Exhibit 5 and ask if you can identify that for  
4 us?  
5 A (By Deponent) Okay, yeah, that's the lease for my  
6 home -- for my homesite by the Fort Peck Housing Authority.  
7 Q And from whom do you lease?  
8 A Fort Peck Housing Authority leases two and a half  
9 acres for my homesite through Fort Peck Housing Authority  
10 and my uncle and my mother.  
11 Q And you said you've been there since nineteen  
12 eighty ----  
13 A Three.  
14 Q Eighty-three.  
15 A I originally moved out there with my parents when  
16 I was in high school.  
17 Q Was the well -- is it M38 -- have I got the right  
18 well?  
19 A Mine is M36.  
20 Q M36. Was M36 there when you moved there in 1983?  
21 A No, it was not.  
22 Q When you moved there in 1983, what was the source  
23 of your water?  
24 A In '83?  
25 Q Unhuh.  
26 A It would have been with my mother and father's,  
27 Trivian Grainger's M38.  
28 Q And when did you have drilled M36?

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1 A Yes, the Housing Authority did that when they  
2 built my home for me.  
3 Q And what year was that?  
4 A 1989.  
5 Q So you used M38 from 1983 to '89?  
6 A Yes.  
7 Q And how was the water in M39 during that time  
8 period of '83 to '89?  
9 MR. MURPHY: You said M39. Is that what you meant?  
10 Q (By Mr. Ross) Did you use -- which well did you  
11 use between '83 and '89?  
12 A (By Deponent) M38.  
13 Q Okay, M38. How was the water in M38 between '83  
14 and '89?  
15 A Rusty, sort of a bad smell, but it was okay --  
16 seemed to be.  
17 Q Did you ever have it sampled?  
18 A No.  
19 Q Did not have?  
20 A No.  
21 Q What did you use the water for from M38?  
22 A Everything, bathing, drinking, watering our  
23 horses, everything.  
24 Q Any particular problems with it?  
25 A Not that I remember.  
26 Q And why did you decide to drill M36 in 1989?  
27 A Oh, by then I was out of school and married, and  
28 that's when I had my own home built, so that was M36.

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1 Q How far apart -- approximately how far apart are  
2 M36 and M38?  
3 A Oh, geez, I'm not really good with measuring at  
4 all. Not very far, maybe the length of a football field.  
5 Q Okay, that's always a good measuring stick. How's  
6 the water from M38?  
7 MR. DOLAN: Do you mean M36?  
8 Q (By Mr. Ross) M36.  
9 A (By Deponent) We haven't been able to really use  
10 it for very many things for approximately, oh, couple  
11 years, anyway. Ever since we got our report back, our USGS  
12 report, we haven't used it for consumption; but prior to  
13 that, we did use it. And, um, to some extent, we didn't  
14 really use it for everything; but because of the smell --  
15 it has a really awful smell -- the color, it's so murky and  
16 rusty.  
17 Q So you're saying the problems are one of color and  
18 smell, is that -- are those the major problems with the  
19 water from M36 in your view?  
20 A Not right now, but, yeah, to begin with. After,  
21 we seen the water tests -- water testing where there had  
22 been contamination.  
23 Q When did you have it tested -- the test you're  
24 talking about?  
25 A USGS when they did all the testing, and we got our  
26 reports back.  
27 Q Do you remember what year that was?  
28 A I don't know, a couple years ago, '97, '98.

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1 1998.  
2 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION  
3 EXHIBIT 6 FOR IDENTIFICATION PURPOSES.)  
4 Q (By Mr. Ross) I'll show you what's been marked as  
5 Exhibit 6 and ask if you can identify that for us.  
6 A (By Deponent) It says well log report.  
7 Q Do you know which well that relates to?  
8 A Mine apparently. It has my name on it as well  
9 owner.  
10 Q So that would be M ----  
11 A Thirty-six.  
12 Q M36. Do you know how deep your well is?  
13 A No, I don't.  
14 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION  
15 EXHIBIT 7 FOR IDENTIFICATION PURPOSES.)  
16 Q (By Mr. Ross) I'll show you what's been marked as  
17 Exhibit 7. Can you identify that for us?  
18 A (By Deponent) Apparently, it's a water analysis  
19 taken by the Indian Health Services.  
20 Q Does that relate to your well, do you know?  
21 A It must, it has my name on it.  
22 Q And that was taken in 1989, is that correct?  
23 A Correct.  
24 Q And that would have been shortly after that well  
25 was drilled?  
26 A Right.  
27 (AT THIS TIME, THE COURT REPORTER MARKED DEPOSITION EXHIBIT  
28 8 FOR IDENTIFICATION PURPOSES.)

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Page 15

1 Q (By Mr. Ross) I'll show you what's been marked as  
 2 Exhibit 8. Can you identify that for us?  
 3 A (By Deponent) It says water analysis -- water  
 4 samples, USGS.  
 5 (AT THIS TIME, THE COURT REPORTER MARKED DEPOSITION EXHIBIT  
 6 9 FOR IDENTIFICATION PURPOSES.)  
 7 Q (By Mr. Ross) And then I'll show you Exhibit 9,  
 8 which is a four page document. Do you recall receiving  
 9 that letter and the attached documents?  
 10 A (By Deponent) Yes. I do.  
 11 Q And what is Exhibit 9?  
 12 A It's our letter from USGS explaining the results  
 13 of the analysis -- water analysis.  
 14 Q And what's your understanding of what these 1998  
 15 results indicate about your well water?  
 16 A Excuse me.  
 17 Q What's your understanding of what these 1998  
 18 results indicate about your well water? Do you have some  
 19 understanding about what these results show?  
 20 A No, I did take them and had someone interpret them  
 21 a little to me.  
 22 Q And who was that that you had interpret them?  
 23 A Oh, he worked for the Indian Health Services at  
 24 the time.  
 25 Q Do you recall his name?  
 26 A No, I don't.  
 27 Q What's your understanding of what those results  
 28 show? What's your understanding of what his interpretation

1 Q Yeah. You said it smells and the color's not  
 2 good. That's what I understand. Is that correct?  
 3 A Yes. That's correct. When we do fill up anything  
 4 outside, like we do have two horses back at home, and when  
 5 we fill up the tank, there's an actual film on top of the  
 6 water that looks like when you pour oil in water, that film  
 7 you get on top. We have that from that water.  
 8 Q So your testimony is that there's actually a film  
 9 on the water that comes out of that well?  
 10 A Yes.  
 11 Q Have you considered any other alternative source  
 12 of water or do you have any other alternative sources of  
 13 water?  
 14 A Just our drinking water, the bottled water. We  
 15 use that for drinking and cooking. Prior to that, we used  
 16 to haul water from town from my aunt's place for drinking  
 17 and cooking.  
 18 Q Do you know whether your well's ever been sampled  
 19 for any hydrocarbon contamination?  
 20 A I don't know.  
 21 Q Do you or your family -- have you ever had any  
 22 interest in oil field development? Have you had any  
 23 working interest in an oil well or ever received any  
 24 royalties, anything like that?  
 25 A Yes, I do.  
 26 Q For which well or wells?  
 27 A I don't know right off hand.  
 28 Q Do you know from whom you receive those?

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Page 16

1 was?  
 2 A Which year was that?  
 3 Q Ah, 1998.  
 4 A For the '89?  
 5 Q 1998.  
 6 A Oh, for the 1998. Just that the water had been --  
 7 was contaminated and he just said he wouldn't recommend --  
 8 recommend using it for consumption.  
 9 Q When you say contaminated, what specifically is  
 10 the nature of the contamination as you understand it?  
 11 A I really don't know.  
 12 Q Do you use the water now from this well? From, I  
 13 guess it's M38 that you're on. Do you use that water at  
 14 all?  
 15 A M36?  
 16 Q M36.  
 17 A For taking showers.  
 18 Q Do you use it for anything else?  
 19 A Doing dishes.  
 20 Q Anything else?  
 21 A No.  
 22 Q Do you notice any problems with the water that you  
 23 use now in taking showers with it and doing dishes?  
 24 A Problems like? besides the smell and the way it  
 25 looks or?  
 26 Q Yeah.  
 27 A The bad smell and the way -- the bad -- the way it  
 28 looks, murky, or?

1 A Through my grandfather, Roscoe White Eagle. When  
 2 he passed away he left me some land that does produce oil.  
 3 Q Where is that located?  
 4 A That's up in the Lustre fields. Lustre oil fields  
 5 -- which is, I guess, northwest of Wolf Point here.  
 6 Q Any oil interests in the East Poplar oil field?  
 7 A No.  
 8 Q Do you have any familiarity with the oil  
 9 development in the East Poplar oil field?  
 10 A No, I don't.  
 11 Q Are you familiar with the location of any of the  
 12 wells, oil wells, that may have existed near your property?  
 13 A No, not really.  
 14 Q Do you have any idea where the alleged  
 15 contamination you talked about comes from?  
 16 A No, I don't. I know where there are some oil  
 17 wells, but I don't know what's contaminating what or.  
 18 Q So you don't have any idea which well may be  
 19 causing the problems for you?  
 20 A No.  
 21 Q Do you claim any damages as a result of the  
 22 alleged contamination in your well?  
 23 A Damages as far as?  
 24 Q Either as to damages to your property or personal  
 25 damages, health damages, just any type of damages?  
 26 A Yes, property.  
 27 Q And what sort of property damages do you claim?  
 28 A Mostly in-home.

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Page 19

1 Q And can you be more specific as to what those  
2 damages are?  
3 A Well, like faucets and everything else that it  
4 eats away; pipes; um, we've had to have well pumps  
5 replaced, which is costly; hot water heater; just things  
6 like that.  
7 Q How often have you had to replace faucets?  
8 A Every couple years.  
9 Q And what's the nature of the damage to the  
10 faucets? Why do you have to replace them?  
11 A They're -- they corrode.  
12 Q Anybody ever tell you why that is, why they  
13 corrode?  
14 A No.  
15 Q How often do you have to replace hot water  
16 heaters?  
17 A Since we've been there, twice. And same with our  
18 pumps, too.  
19 Q Again, you've been on -- when you say since we've  
20 been there, you're referring ----  
21 A 1989.  
22 Q 1989?  
23 A Unhuh. (Indicates yes.)  
24 Q Any other type of damages as a result of ----  
25 A Damages? Um, we've put money into our yard trying  
26 to grow trees and grass and lawn, whatever else, and we  
27 haven't been able to.  
28 Q Do you use the water from your well to water trees

1 ago.  
2 Q So the early to mid-90's?  
3 A Yes.  
4 Q Did you talk to anybody about the problems that  
5 you had with your water in the early to mid-90's? Did you  
6 consult anybody about the problem?  
7 A No, just the water treatment people to have a  
8 system installed.  
9 Q And did you have a system -- treatment system  
10 installed?  
11 A Yeah.  
12 Q What type of system?  
13 A I don't know. It's just, um, the kind where you  
14 use the hard salt pellets to soften your water.  
15 Q How much salt was used in the system? Do you  
16 recall how much salt you put into the system on a periodic  
17 basis?  
18 A Probably two bags a week.  
19 Q And where was the discharge from that soft water  
20 treatment facility discharged, do you know?  
21 A In the septic tank, I think.  
22 Q Where is the septic tank in relationship to your  
23 well?  
24 A My well is on the west side of my home, and the  
25 septic tank is on the east side -- southeast, I guess.  
26 Q So when you first noticed the water going bad in  
27 the early to mid 90's, you talked to water treatment people  
28 about trying to make it better, is that right?

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Page 20

1 in your yard?  
2 A No. We don't really -- we don't have any trees in  
3 my yard. We've tried to grow them, but they don't grow.  
4 Q When you tried to grow them, did you use water  
5 from your well to water them?  
6 A Yes.  
7 Q And what, did the trees die?  
8 A Yes.  
9 Q Did they die right away?  
10 A Um, I can't really remember. It seems like they  
11 did. They, um -- I mean, they didn't last over the summer  
12 or anything. And we've tried like at least every other  
13 year.  
14 Q And it's your testimony that when you water them,  
15 they don't make it even a year?  
16 A No.  
17 Q When did you first become aware of this  
18 contamination or problem with your water?  
19 A Was it 1998 when we got our reports back from  
20 USGS?  
21 Q And was that the first time that you perceived  
22 that you had a problem with the water was 1998?  
23 A No, we knew there was something wrong with it  
24 because of the smell and because of the taste. When -- we  
25 just quit drinking it and cooking with it.  
26 Q And, again, when did you quit using it? what year,  
27 do you recall?  
28 A I would say, approximately seven or eight years

1 A Yeah.  
2 Q Did you talk to anybody else during that time  
3 period, early to mid-90's about your water problem?  
4 A No.  
5 Q Have you talked to anybody about your water  
6 problem?  
7 A No.  
8 Q When did you decide to join in this lawsuit?  
9 A I don't know. A year ago. Over a year ago.  
10 Q How did you happen to decide to join this lawsuit?  
11 A Well, after we got the report from USGS, we had  
12 some concerns and we had discussed it; and when we were  
13 approached to ask if we wanted to join, we did.  
14 Q And by whom were you approached?  
15 A Um, the Youpee family, Rene.  
16 Q Rene ----  
17 A Martell.  
18 Q -- is Rene Martell. And what did he say when he  
19 approached you? Am I right, he approached you, you didn't  
20 approach him?  
21 A Yeah, correct.  
22 Q And what did he ----  
23 A I can't really recall exactly what he said. We  
24 talked about the reports that we all got back from USGS.  
25 There was some concern, it was -- may have been coming from  
26 the oil fields. Um, and they were thinking about starting  
27 a lawsuit and would we be interested in joining.  
28 Q So just to make sure I understand the chronology

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Page 23

1 here, it was after you got back the USGS results that you  
 2 talked to Rene Martell?  
 3 A Correct.  
 4 Q I'll show you again what I think are the results  
 5 that you got back from USGS. Do you have some  
 6 understanding of what in those results would indicate the  
 7 problem with your water?  
 8 A This is what I had discussed with Ken Hull, the  
 9 Indian Health Services.  
 10 Q And is there anything in those results that you  
 11 got back from USGS that you understand's the particular  
 12 problem with your water? In your conversations with  
 13 Mr. Hull or Rene or someone else, do you have an  
 14 understanding of ----  
 15 A We were just told it was contaminated is what Ken  
 16 Hull said, that your water's contaminated.  
 17 Q But they didn't point out any specific chemical --  
 18 --  
 19 A No.  
 20 Q --- or any particular level?  
 21 A Not that I can remember.  
 22 Q So other than the odor and the taste and the  
 23 color, are there any other specific problems that you're  
 24 aware of with your water?  
 25 A Besides being told it's contaminated? No.  
 26 Q And, again, the person that told you it was  
 27 contaminated was this Mr. Hull?  
 28 A Yes.

1 A No.  
 2 Q When did you install the water treatment system  
 3 that you mentioned?  
 4 A When?  
 5 Q Yes.  
 6 A I can't remember right off hand. Um, probably a  
 7 couple years after we lived there.  
 8 Q Where did you get it from?  
 9 A Nemont Water Conditioning.  
 10 Q Where is that located?  
 11 A Here in Wolf Point.  
 12 Q How long did you continue to operate that water  
 13 treatment system?  
 14 A I still do.  
 15 Q Does it help to alleviate the problems at all?  
 16 A The rust isn't so bad. That's about it.  
 17 Q Is there any other benefit from the water  
 18 treatment system aside from alleviating rust?  
 19 A No.  
 20 Q Have you ever spoken with anyone from either Grace  
 21 Petroleum or Samson Hydrocarbons that you can recall?  
 22 A Not that I can recall.  
 23 MR. STERUP: I have nothing further.  
 24 EXAMINATION BY MR. FAGAN:  
 25 Q Denise, my name's Gerry Fagan. I represent  
 26 Marathon Oil. Have you ever heard of any wells operated by  
 27 Marathon Oil well -- or Oil Company?  
 28 A I've heard of the oil company.

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Page 24

1 Q And what's his position or background?  
 2 A He's a sanitarian at the Indian Health Services.  
 3 Q He would be in Poplar?  
 4 A Yes.  
 5 Q What's his first name?  
 6 A Ken.  
 7 MR. ROSS: Ken. I have no further questions. Thank you.  
 8 EXAMINATION BY MR. STERUP:  
 9 Q Denise, my name is Rob Sterup. I represent Samson  
 10 Hydrocarbons. The home that you occupy at the present time  
 11 is one that you lease, is that correct?  
 12 A Correct. Lease to own.  
 13 Q So you anticipate ----  
 14 A It's a home ownership.  
 15 Q And you lease it from the Fort Peck Housing  
 16 Authority?  
 17 A Right.  
 18 Q And you anticipate that when the lease terms have  
 19 been fulfilled, you eventually will own the home?  
 20 A Yes.  
 21 Q When was that home constructed?  
 22 A In 1989.  
 23 Q Was it constructed for you?  
 24 A Yes.  
 25 Q At that time, was there any discussion about water  
 26 quality issues that you can recall?  
 27 A No.  
 28 Q It wasn't a concern to you at all?

1 Q Not really aware of any wells?  
 2 A No.  
 3 Q How about Texas Oil and Gas?  
 4 A No.  
 5 Q And you've never talked to any employees of either  
 6 of those companies?  
 7 A No, I haven't.  
 8 Q Is it my understanding that the first time you  
 9 really were aware of possible contamination is when you  
 10 received the USGS report ----  
 11 A Yes, the contamination.  
 12 Q --- and talked with Mr. Hull? And you hadn't  
 13 really talked to anyone prior to that about water quality  
 14 or potential problems?  
 15 A No.  
 16 Q Were you aware that the USGS was going to produce  
 17 a report?  
 18 A No. They just showed up one day and asked if they  
 19 could take some water samples, so I told them to go ahead  
 20 and take them.  
 21 Q That's the first time you'd heard about it?  
 22 A Yeah.  
 23 Q Are there oil wells around your property at all?  
 24 A Farther north.  
 25 Q Can you see them from your property?  
 26 A Not any more. There used to be one we could, but  
 27 it's not there anymore.  
 28 Q It's been removed?

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Page 27

1 A Yeah.  
 2 Q Were you very aware of oil activity in the Poplar  
 3 area at all?  
 4 A Um, heard of it and seen some wells here and  
 5 there, but that's about it.  
 6 Q Did you ever suspect that any of the oil field  
 7 activities might be causing the water problems?  
 8 A No.  
 9 Q Never did?  
 10 A Never thought about it.  
 11 Q When was the first time you actually thought about  
 12 it or did you ever?  
 13 A When it was -- I don't know. Someone mentioned it  
 14 to my mother one time before. I can't really remember who.  
 15 You know, have you ever really thought about maybe that's  
 16 where your bad water's coming from.  
 17 Q And you were there for that conversation or you  
 18 were?  
 19 A No, my mom was. She told me.  
 20 Q When was that?  
 21 A I don't know, years ago.  
 22 Q Before you moved onto your ----  
 23 A No, after I had mine.  
 24 Q Sometime after ----  
 25 A Yeah.  
 26 Q You're talking like early 90's or?  
 27 A Yeah. Something like that.  
 28 Q Did you ever talk to anybody then after your mom

Page 26

1 mentioned that to you?  
 2 A No.  
 3 Q Had you ever heard about any previous lawsuits  
 4 that anybody had brought against the oil companies?  
 5 A In our area?  
 6 Q Unhunh. (Indicates yes.)  
 7 A No.  
 8 Q Any other areas?  
 9 A No, just on TV maybe.  
 10 Q Okay. Do you think the water quality has  
 11 deteriorated since '89?  
 12 A Yes, it has.  
 13 Q A lot?  
 14 A Yes.  
 15 Q Just gradually or in spurts or?  
 16 A Yeah, gradually.  
 17 Q And how so? What's worse about it?  
 18 A Um, the color, the smell.  
 19 Q Started out okay and just got worse?  
 20 A Yeah.  
 21 Q When you talked with Ken Hull, did he mention  
 22 anything about the oil companies possibly ----  
 23 A No.  
 24 Q So it sounds like the USGS report came out of the  
 25 blue for the most part?  
 26 A For me, yeah.  
 27 MR. FAGAN: I have no further questions. Thanks.  
 28 EXAMINATION BY MR. WEBSTER:

1 Q Denise, my name is Mike Webster and I represent  
 2 Murphy Exploration, and I'll just follow-up with a few  
 3 questions. You said you have three children and their ages  
 4 are 16, 9 and 4, but I didn't know their names. So who's  
 5 the 16 year old?  
 6 A Adam Grainger.  
 7 Q How about the 9 year old?  
 8 A Jay Grandchamp.  
 9 Q And the 4 year old?  
 10 A Tina Kohl.  
 11 Q And you said they live with you?  
 12 A With me.  
 13 Q The property that you live on is under a lease.  
 14 Do you know -- as you understand it, how much longer do you  
 15 have before the property would be transferred to you, the  
 16 ownership of it?  
 17 A They told me approximately 25 years, and that was  
 18 in 1989.  
 19 Q Okay.  
 20 A Twenty to 25 years.  
 21 Q And you haven't done anything that would have  
 22 caused that time period to be extended at all?  
 23 A No.  
 24 Q As far as -- are you currently now receiving  
 25 bottled water?  
 26 A Yes.  
 27 Q And were you receiving -- or were you using  
 28 bottled water before then? before you began to receive it

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1 from the oil company folk?  
 2 A For a short time before.  
 3 Q And you had made those arrangements yourself?  
 4 A Yes.  
 5 Q And had paid for that water yourself?  
 6 A Yes.  
 7 Q Have you ever had any septic system problems at  
 8 your house?  
 9 A Yes. Um, once.  
 10 Q Okay. Can you -- do you know when that was?  
 11 A Not exactly or not the exact date; um, maybe three  
 12 years ago -- two or three years ago.  
 13 Q And what was the nature of that problem?  
 14 A I'm not really sure.  
 15 Q Did you need to hire someone to come out and fix  
 16 the problem or did you contact someone about the problem?  
 17 A I contacted Fort Peck Tribes Enterprise  
 18 department.  
 19 Q And is that the people who take care of the Fort  
 20 Peck Housing Authority homes?  
 21 A Yes.  
 22 Q And did they send someone out then to do  
 23 something?  
 24 A Yes, they did.  
 25 Q Do you know who that was?  
 26 A No, I don't.  
 27 Q Do you know what they did?  
 28 A No, I don't.

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1 Q Whatever they did, did it work?  
 2 A Yeah.  
 3 Q The well that is currently out there, the one that  
 4 you now use, you said you use it for showering and for  
 5 washing dishes and, I assume, for toilets and those things?  
 6 A Yeah.  
 7 Q But you don't drink it?  
 8 A No.  
 9 Q When was the last time that you drank water from  
 10 those wells? or from your well?  
 11 A Probably '96, '97 -- '96 -- somewhere around  
 12 there. I don't know exact.  
 13 Q If I were to tell you that, in your answers to  
 14 interrogatories, you said that you stopped drinking the  
 15 water in 1991 or '92, would that surprise you? Is that  
 16 possible?  
 17 A I may have said that. Um, I don't know. I'm not  
 18 really good on dates and. . .  
 19 Q Okay, but it's been some period of years ----  
 20 A Yes.  
 21 Q --- since you've drank that water?  
 22 A Yes, cause we used to haul it from town before  
 23 that. So, yeah, I guess it would have been longer than '96  
 24 or '95.  
 25 Q When the USGS was out and they did their on-the-  
 26 ground sampling, did you have a chance to talk to any of  
 27 those people? to visit with Joanna Thamke?  
 28 A No.

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1 Q Did you visit with any of the other people who  
 2 were out there doing the work?  
 3 A No. I was working at the time, and she just  
 4 showed up one evening after work; and then I assumed they  
 5 came during the day while I was gone at work.  
 6 Q Thinking back to when she just came and said we  
 7 want to take some water samples from your home, did you ask  
 8 her, well, why do you want to do that?  
 9 A No, I didn't.  
 10 Q You weren't curious?  
 11 A Not really. Just figured it was something maybe  
 12 through the Housing Authority or something.  
 13 Q Did she identify herself as with the USGS?  
 14 A Yes.  
 15 Q Um, thinking back to the water and the taste of  
 16 the water. I know you said it doesn't taste good, but what  
 17 -- can you identify what the taste is like?  
 18 A Kind of salty. Um, I don't know. The smell is  
 19 awful.  
 20 Q Is the smell the same today as it was ----  
 21 A Smells stronger.  
 22 Q Stronger?  
 23 A Unhuh. (Indicates yes.)  
 24 Q What is it -- does it have a distinct -- an odor  
 25 that's like other odors. I mean, is it a sulphury kind of  
 26 ----  
 27 A Like sulphur.  
 28 Q Like sulphur?

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1 A Kind of like when those oil truckers pass our  
 2 house, and they have that smell. That's what it smells  
 3 like.  
 4 Q Do you have problems with rust stains and those  
 5 things in your home?  
 6 A Yes.  
 7 Q Have you ever talked to any of the employees or  
 8 any of the personnel from Murphy about your water?  
 9 A No, I haven't.  
 10 Q Do you know that they operate in this area? Are  
 11 you aware of their presence up there?  
 12 A Yeah.  
 13 Q You've never worked for them. Do you know anybody  
 14 that has ever worked for them?  
 15 A No, not personally, no.  
 16 Q Um, and I can't recall, so I'm sorry if I -- if  
 17 this question's already been asked. Did you ever visit  
 18 with anyone from the Indian Health Service about your  
 19 water?  
 20 A Just, um -- just the names I mentioned. Well, the  
 21 one I couldn't remember, the -- and Ken Hull.  
 22 Q And that was fairly recent? That wasn't a long  
 23 time ago?  
 24 A Unhuh. (Deponent indicates yes.)  
 25 Q Have you ever talked to Deb Madison about your  
 26 water quality?  
 27 A No.  
 28 Q Have you ever talked to anyone else at the Fort

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1 Peck Tribes at all about your water quality?  
 2 A No.  
 3 MR. WEBSTER: I don't think I have anything else.  
 4 EXAMINATION BY MR. DOLAN:  
 5 Q Denise, I just have one question. What was the  
 6 nature of the septic problems, a flushing problem or?  
 7 A Flushing. I think there was a -- something  
 8 plugged it or something.  
 9 Q With respect to any of the analyses, water  
 10 analyses, that you -- I know you don't have much knowledge  
 11 or you haven't done much interpretation of them, but has  
 12 anyone ever told you you have any fecal coliform problem  
 13 with your drinking water?  
 14 A No.  
 15 MR. DOLAN: Okay, nothing further.  
 16 (THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION WAS THEN  
 17 CONCLUDED AT 2:10 P.M.)  
 18  
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Page 33

Page 35

1 CERTIFICATE  
 2 STATE OF MONTANA )  
 3 ) ss.  
 4 COUNTY OF ROOSEVELT )  
 5 I, JOANN D HESER, Official Court Reporter, Fifteenth  
 6 Judicial District, and a Notary Public duly qualified in and for  
 7 the State of Montana, hereby certify there came before me the  
 8 deponent herein, namely DENISE GRAINGER, who was by me duly  
 9 sworn to testify to the truth and nothing but the truth  
 10 concerning the matters in this cause.  
 11 I further certify that I was the Official Court Reporter  
 12 who reported, by means of LANIER recorder, this deposition. The  
 13 testimony therein and other proceedings herein contained are a  
 14 true and correct transcription of the original tapes and my  
 15 notes, TO THE BEST OF MY ABILITY.  
 16 I further certify that I am not related in any manner to  
 17 any party, witness, or counsel and have no financial or other  
 18 interest in the outcome of the above entitled cause.  
 19 IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
 20 my Notarial Seal this 15th day of June, 2001.  
 21 Joann D. Heser  
 22 NOTARY PUBLIC  
 23 My Comm. exp. 7/2/2004  
 24  
 25  
 26  
 27  
 28

1 CORRECTIONS TO DEPOSITION  
 2  
 3 The Deponent, DENISE GRAINGER, states she wishes to make  
 4 the following changes in testimony as originally sworn:  
 5 PAGE LINE SHOULD READ REASON  
 6 \_\_\_\_\_  
 7 \_\_\_\_\_  
 8 \_\_\_\_\_  
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 21 DENISE GRAINGER  
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1 DEPONENT'S CERTIFICATE  
 2 I, DENISE GRAINGER, do hereby certify that I have read the  
 3 foregoing transcript of my testimony and that the same is a  
 4 full, true and correct record of my deposition except as to any  
 5 corrections I have listed on the Corrections to Deposition form.  
 6 \_\_\_\_\_ Changes and corrections made.  
 7 \_\_\_\_\_ No changes or corrections made.  
 8  
 9 DENISE GRAINGER  
 10 Subscribed and sworn to before me this \_\_\_\_\_ day of  
 11 \_\_\_\_\_, 2001.  
 12  
 13 NOTARY PUBLIC for the State of Montana  
 14 Residing at \_\_\_\_\_, Montana  
 15 My Commission expires \_\_\_\_\_  
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